

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE DIVISION

LIVINGSTON REGIONAL HOSPITAL,)	
LLC,)	
)	
Petitioner,)	
)	No: 2:10-0014
v.)	Judge Campbell/Bryant
)	
TIMOTHY HORSKY, D.O.,)	
)	
Respondent.)	

O R D E R

Petitioner Livingston Regional Hospital, LLC, has filed its petition to confirm arbitration award (Docket Entry No. 1). Respondent Timothy Horsky, D.O., has not appeared in this action, and the record before the Court fails to indicate that respondent Horsky has been served with notice of this proceeding.

Title 9 of the United States Code, Section 9, governs court confirmation of arbitration awards. This statute provides the basis for jurisdiction of the court to consider confirmation and the obligation to serve notice upon the adverse party. The record currently before the Court is silent with respect to whether the parties' agreement specified a court in which application for confirmation of the award is to be filed. In addition, although the opinion of the arbitrator recites that respondent Horsky now lives in Pennsylvania, the record is silent regarding the provision of notice to respondent Horsky of the filing of this application.¹

¹At the initial case management conference on April 19, 2010, counsel for the petitioner reported that he had served a copy of the petition upon the lawyer who represented respondent Horsky at the arbitration, but that this lawyer had informed him that she no longer represented

Given the foregoing, the Court hereby **ORDERS** petitioner to supplement the record by providing the Court with any agreement between the parties regarding the court where confirmation should be sought and the status of service upon respondent Horsky of the notice required by 9 U.S.C. § 9.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge

respondent Horsky.